

# EXHIBIT 4

Stenographic Transcript  
Before the

COMMITTEE ON  
ARMED SERVICES

## **UNITED STATES SENATE**

HEARING TO RECEIVE TESTIMONY ON THE DEPARTMENT OF DEFENSE  
BUDGET POSTURE IN REVIEW OF THE DEFENSE AUTHORIZATION  
REQUEST FOR FISCAL YEAR 2019 AND THE FUTURE YEARS DEFENSE  
PROGRAM

Thursday, April 26, 2018

Washington, D.C.

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1 look at what they are doing with their support for terrorism  
2 from Bahrain to Yemen, from Syria to Lebanon and elsewhere,  
3 their maritime threat, their cyber threat. We have got to  
4 look at all these things, sir, as a whole, but at the same  
5 time focus on this imperfect arms control agreement and  
6 determine if that is in our best interest.

7 Senator Sullivan: Trust factor?

8 Secretary Mattis: I think trust but verify would be an  
9 exaggeration. I think it is distrust and verify.

10 Senator Sullivan: Thank you.

11 Senator Inhofe: Thank you, Senator Sullivan.

12 Senator Gillibrand: Thank you, Mr. Chairman.

13 General Dunford, your fellow chiefs have told me that  
14 they are not aware of any instances of issues with unit  
15 cohesion, morale, and discipline as a result of open  
16 transgender service. Have you heard of any such incidents?

17 General Dunford: Senator, thanks. I would not  
18 typically hear of individual cases of cohesion or discipline  
19 issues.

20 And maybe just a comment on transgender. For me, the  
21 issue with transgender has never been about cohesion or  
22 discipline anyway. It was just about any individual,  
23 regardless of circumstances, being able to meet the physical  
24 and mental qualifications of being worldwide deployable. So  
25 if an individual is serving without accommodation, then I do

1 not think I would expect to see discipline or cohesion  
2 issues in that unit.

3 Senator Gillibrand: During our last discussion on this  
4 topic, you said that you would treat all service members,  
5 including transgender service members, with dignity and  
6 respect.

7 The recommendations on transgender service and the  
8 accompanying panel report were released as part of the DOJ's  
9 filing on Friday night. Service members found out in the  
10 news that the Department had submitted a report that cast  
11 dispersions on their fitness to serve, implied they could  
12 harm the lethality of the force, and left their futures in  
13 the military up in the air.

14 Do you think this rollout accords transgender service  
15 members with the dignity and respect they deserve?

16 General Dunford: Senator, one thing we have tried to  
17 clarify for our men and women that are current serving is  
18 that -- and I cannot talk about any changes in the policy.  
19 But one thing that did not change was the status of the men  
20 and women that are currently serving.

21 Senator Gillibrand: That is not the impression the  
22 report leaves.

23 Do you know whether this has created anxiety among  
24 these troops? Have you met with any transgender troops  
25 given this report?

1 General Dunford: I have not since the report was  
2 released, Senator.

3 Senator Gillibrand: I recommend that you do so so you  
4 are more informed.

5 Secretary Mattis, one of the things that struck me  
6 about your panel's report was its claim that, quote, unlike  
7 past reviews, the panel's analysis was informed by the  
8 Department's own data and experience obtained since the  
9 Carter policy took effect. That is why I have been asking  
10 the chiefs about unit cohesion. In fact, General Milley put  
11 it with regard to the Army as precisely zero instances of  
12 units with less unit cohesion, morale, and discipline.

13 I am very concerned about this report because it says  
14 that there is, quote, scientific uncertainty surrounding the  
15 efficacy of transition-related treatments for gender  
16 dysphoria. Yet, the American Medical, Psychological, and  
17 Psychiatric Associations have all said the report  
18 misrepresents what is the scientific consensus when it comes  
19 to gender dysphoria and transition. In fact, despite the  
20 report's stated concerns about deployability of transgender  
21 service members because of gender dysphoria or associated  
22 medical care, a report being issued today by the Palm Center  
23 here, which I am going to give to you so you can read in  
24 full, says that, quote, out of 994 service members diagnosed  
25 with gender dysphoria in 2016 and the first half of 2017, 40

1 percent deployed in support of Operation Enduring Freedom,  
2 Operation Iraqi Freedom, or Operation New Dawn, and only one  
3 had an issue during that deployment.

4 It appears that this report that your Department has  
5 issued is not based on the Department's data or science but  
6 rather, quote, potential risks that the authors cannot back  
7 up. And in fact, this seems to me to be the same uninformed  
8 and unfounded concerns that led to the opposition of  
9 repealing don't ask/don't tell, integrating women into the  
10 military, integrating African Americans into the military.  
11 And I think you need to do a lot more work on this topic to  
12 inform yourselves.

13 What is so different about transgender service that  
14 makes you think that though the data and medical science do  
15 not justify it, transgender service will harm the readiness  
16 and lethality of our force?

17 Secretary Mattis: Well, Senator, I regret the way you  
18 characterize it. I would remind you that when I came into  
19 this job, I said I do not come in with a preordained or  
20 agenda to change something. I am in to carry three lines of  
21 effort forward. One of them was to create a more lethal  
22 military. And I believe that service in the military is a  
23 touchstone for patriotic Americans. The military protects  
24 all Americans' freedom and liberty to live as they choose,  
25 and we are proud of that.

1           71 percent of 18 to 24-year-old men and women in this  
2   country do not qualify for medical, legal, behavioral,  
3   intellectual reasons to enlist as a private in the U.S.  
4   Army. 71 percent.

5           In this case, I was meeting with the service chiefs and  
6   the Chairman -- not the Joint Chiefs, the service chiefs --  
7   last spring, and they were asking me questions because we  
8   were coming up on the advent of the induction of  
9   transgender. And they wanted to know how they were going to  
10   deal with certain issues about basic training, about  
11   deployability. I said, did you not get all of this when the  
12   policy came out? The Carter policy we call it. They said  
13   no. And I said, well, did you have input? They said no,  
14   they did not.

15          So I convened that panel. That panel was made up of  
16   combat veterans, the vice chiefs of the services, and the  
17   under secretaries. And they called together transgender  
18   troops. They brought in commanders of transgender troops,  
19   and they brought in and listened to civilian and military  
20   medical experts who have provided care for transgenders both  
21   in the military and outside. And I gave my 44-page advice.  
22   I would like to have it entered, Chairman, for the record.

23          [The information referred to follows:]

24          [COMMITTEE INSERT]

25

1 Senator Gillibrand: And a list of all experts you  
2 consulted, please.

3 Secretary Mattis: Pardon?

4 Senator Gillibrand: I would like a list of all the  
5 experts, medical experts, that were consulted for that  
6 report, please.

7 Secretary Mattis: Right now, this is under litigation.  
8 I will see what I can provide or when I can provide it. I  
9 will do that, Senator.

10 But at the same time, basically my responsibility is to  
11 give the best advice I can for making a lethal force. And I  
12 think that right now the Carter policy is still in effect,  
13 and we have the four cases being litigated.

14 Why these issues like this would not come to the  
15 service chief level during this was a very, very, I would  
16 call it, newsworthy situation. And the reason is that under  
17 the Carter policy, the reporting is opaque. We cannot  
18 report that a problem emanated from a transgender. We  
19 cannot under the Carter policy do that. So the question you  
20 have asked the service chiefs and the Chairman are ones that  
21 right now the Carter policy prohibited that very information  
22 from coming up because it is private information. And it is  
23 specifically called out in his policy statement. So it is  
24 impossible for them to have responded to you.

25 And I would just say that right now we look at medical



1 conditions. If gender dysphoria has anxiety or it has some  
2 kind of depression, we do not allow anyone in with that. I  
3 would have to make a special category that said you can have  
4 these disqualifying factors only if you are transgender, and  
5 then we can bring you in. I think you understand why we  
6 have not chosen to do that.

7 Senator Inhofe: Thank you.

8 Senator Fischer?

9 Senator Fischer: Thank you, Mr. Chairman.

10 Secretary Mattis, in last year's NDAA, Congress  
11 required the Department to evaluate whether existing cruise  
12 missile systems could be converted into a ground-launched  
13 version as part of our response to Russia's violation to the  
14 INF Treaty. The Department's response, which was a letter  
15 from Under Secretary Lord, was sent to the committee 2 weeks  
16 ago. And it states that DOD is in the early stages of  
17 identifying the system requirements and is therefore unable  
18 to conduct an assessment at this time.

19 I know the Department is moving forward on a broader  
20 effort beyond just a ground-launched cruise missile, but I  
21 am concerned about the urgency of our response because, as  
22 we both know, we can spend the next 3 years defining  
23 requirements and analyzing alternatives and not conduct any  
24 actual research and development.

25 So I would just ask, what is your expected timeline for